

REMARKS

Claims 1-12 and 17-18 are pending. By this Amendment, claims 13-16 and 19-23 are canceled, claims 1 and 10-12 are amended, and no new claims are added.

Claim 1 is amended to recite "microscope slide" in place of "substrate" and to delete the first step and include the limitations of the deleted first step in the remainder of the body thereof. Claims 1 and 10-12 are amended to recite "proliferative disorder" in place of "rare event." No new matter has been added to the claims as a result of the foregoing amendments.

In view of the foregoing amendments to the claims, reconsideration and withdrawal of the rejections are respectfully requested.

Effective Filing Date

Regarding the pending claims, the Office Action declined to accord priority to US Provisional Applications 60/144, 529, filed July 19, 1999, and 60/129,384, filed April 13, 1999. The Office Action on page 2 implied that the limitation "proliferative disorder" would have support from the foregoing provisional applications. Accordingly and at the invitation of the Office Action, the pending claims have been amended to recite "proliferative disorder" in place of "rare event." Therefore and without accepting that the limitation "rare event" lacks such priority, Applicant respectfully submits that the pending claims have an effective filing date of no later than July 19, 1999.

35 U.S.C. § 112

Claims 20 and 23 are rejected under 35 U.S.C. § 112, ¶ 2 as indefinite. Applicant respectfully traverses this rejection. However, in order to advance the prosecution of this Application, claims 20 and 23 are canceled and the rejection is deemed moot.

35 U.S.C. § 102

Claims 1-4, 6-13, 17 and 18 are rejected under 35 U.S.C. § 102(a or e) as anticipated by WO 03/035,895 ("O'Hara et al.") with a publication date of May 1, 2003; claims 1-4, 6-14, and

16-18 are rejected under 35 U.S.C. § 102 (a or e) as anticipated by US 2003/0017514 ("Pachmann et al.") with a filing date of May 31, 2002; and claims 1-4, 6-13, and 17-18 are rejected under 35 U.S.C. § 102 (b) as anticipated by WO 02/06790 ("Liberti et al.") with a publication date of January 24, 2002. Applicant respectfully traverses these rejections. As shown above, the pending claims as amended have an effective filing date of no later than July 19, 1999. Hence, the foregoing documents are not citable against the pending claims as prior art. Because the foregoing documents are not prior art against the pending claims, a prima facie case of anticipation has not been established and reconsideration and withdrawal of these rejections are respectfully requested.

35 U.S.C. § 103

Claims 1-4, 6-14, and 16-18 are rejected under 35 U.S.C. § 103(a) as obvious over O'Hara et al., in view of Journal of Immunochemical Methods, 1996, Vol. 183, pp 251-265 ("Griwatz et al."); claims 1-4, 6-14, and 16-18 are rejected under 35 U.S.C. § 103(a) as obvious over Liberti et al. in view of Griwatz et al; claims 1-4, 6-14, and 16-18 are rejected under 35 U.S.C. § 103(a) as obvious over Pachmann et al. in view of US 6,323,337 ("Singer et al."); claims 1-4, 6-15, and 17-18 are rejected under 35 U.S.C. § 103(a) as obvious over O'Hara et al. in view of "A Textbook of Histology, 1962, page 15 ("Bloom and Fawcett"); claims 1-4, 6-15, and 17-18 are rejected under 35 U.S.C. § 103(a) as obvious over Pachmann et al. in view of Bloom and Fawcett; claims 1-4, 6-15, and 17-18 are rejected under 35 U.S.C. § 103(a) as obvious over Liberti et al. in view of Bloom and Fawcett; claims 1-13 and 17-18 are rejected under 35 U.S.C. § 103(a) as obvious over O'Hara et al. in view of U.S. 6,117,985 ("Thomas et al."); claims 1-14 and 16-18 are rejected under 35 U.S.C. § 103(a) as obvious over Pachmann et al. in view of Thomas et al.; claims 1-13 and 17-18 are rejected under 35 U.S.C. § 103(a) as obvious over Liberti et al. in view of Thomas et al.; and claims 1-4, 6-14, 16-18, and 20-23 are rejected under 35 U.S.C. § 103(a) as obvious over Pachmann et al. in view of U.S. 6,546,123 ("McLaren et al."). Applicant respectfully traverses these rejections. However, in order to advance the prosecution of this Application, the pending claims have been amended as described above and have an effective filing date of no later than July 19, 1999. As shown above, at least


one of the documents cited in each of the foregoing rejections has a publication or filing date later than July 19, 1999. Thus, these documents cannot be cited against the pending claims. Therefore, a prima facie case of obviousness has not been established and reconsideration and withdrawal of these rejections are respectfully requested.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

  
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